

REMARKS/ARGUMENTS

This paper is being provided in response to the June 8, 2005 Office Action for the above-referenced application. In this response, Applicant has amended Claims 121 and 142, and added new Claims 175-176 in order to clarify that which Applicant deems to be the claimed invention. Applicant respectfully submits that the amendments to the claims are all supported by the originally filed application.

In response to the objection to the title, Applicant has amended the title herein. Accordingly, Applicant respectfully requests that the object be reconsidered and withdrawn.

The rejection of Claims 121-127, 129-133, 141-148, 150-154 and 162-166 under 35 U.S.C. 103(a) as being unpatentable over Kronenberg, et al., (U.S. Patent Application Publication No. 2004/0030778, hereinafter "Kronenberg") is hereby traversed and reconsideration thereof is respectfully requested. Applicant respectfully submits that Claims 121-127, 129-133, 141-148, 150-154 and 162-166, as amended herein, are patentable over the cited reference.

Applicant's Claim 121, as amended herein, recites a method for monitoring an industrial network comprising: reporting first data about a first computer system by a first agent executing on said first computer system in said industrial network, said first computer system performing at least one of: monitoring or controlling a physical process of said industrial network, said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection. Claims 122-127, 129-133, 141, 163 and 164 depend from Claim 121.

Applicant's Claim 142, as amended herein, recites a computer program product for monitoring an industrial network comprising code that: reports first data about a first computer system by a first agent executing on said first computer system in said industrial network, said first computer system performing at least one of: monitoring or controlling a physical process of said industrial network, said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection. Claims 143-148, 150-154, 162, 165, and 166 depend from Claim 142.

Kronenberg discloses a data processing system with an RMS server 104, and a CAS server 106 located at NOS 102. RMS server 104 may monitor the status of the RMS server at the client site 120. Figure 1 also includes one or more devices. (Par. 45; Figure 1). Figure 2A includes checker software 226 that monitors a device and communicates with informer engine 222 to receive additional information regarding the device and interfaces with agents located within various devices. (Par. 47; Figure 2A). Figure 2B depicts more detail of CAS server 106. Included in 106 is a secondary storage device 256 containing an expert rules database 263 which is used to determine potential courses of action once tickets are received. (Par. 52; Figure 2B). The RMS server sends information regarding the non-responding service or network traffic report to the NOS as a ticket. (Par. 39). RMS server 122 may communicate with agent 326 by sending commands to checker software 226 that communicates with agent 326. RMS server may communicate with checker software 226 (which in turn communicates with agent 326). For example, checker software 226 may transmit commands to start and/or stop agent 326. Also,

checker software 226 may transmit information to agent 326 to update the agent, modify the agent's behavior, or delete the agent. (Par. 102).

Applicant's Claim 121, as amended herein, is neither disclosed nor suggested by Kronenberg in that Kronenberg neither discloses nor suggests *a method for monitoring an industrial network comprising: reporting first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection*, as set forth in Claim 121. Kronenberg discloses using agents on devices and using checker software included in an RMS server. The checker software on the RMS server issues commands to the agent, and information is also reported by the agent to the RMS server. Thus, Kronenberg's agent does not use a one-way communication connection, as set forth in amended Claim 121.

The Office Action at page 3 states that Kronenberg does not explicitly teach reporting information about software used in connection with a physical process of the industrial network but states that such reporting would have been obvious. Applicant respectfully submits that Kronenberg appears to neither disclose nor suggest such reporting and also neither discloses nor suggests reporting of such data being performed by an agent, as also recited in Applicant's Claim 121. Kronenberg discloses monitoring network services, environmental conditions, security services, unauthorized devices, and network traffic (Par. 37, 39, 73). Kronenberg discloses that the agent may be a CPU monitor program (Par. 101). However, Kronenberg appears silent regarding any disclosure or suggestion of monitoring software used in connection with a physical process of the industrial network. Furthermore, Applicant respectfully submits that Kronenberg

appears silent regarding having an agent perform report the data about the software. Applicant respectfully submits that disclosure in Kronenberg of monitoring a service, and listing particular services as described above, neither discloses nor suggests monitoring all kinds of software, and also neither discloses nor suggests monitoring the particular software as recited in Claim 121.

Applicant respectfully submits that claims that depend from Claim 121 are neither disclosed nor suggested by Kronenberg for at least those reasons set forth above regarding Claim 121. However, Kronenberg also neither discloses nor suggests features set forth in claims that depend from Claim 121.

The Office Action at page 3 states that Kronenberg discloses features set forth in dependent Claims 125-127 and cites par. 38 of Kronenberg as support. Par. 38 of Kronenberg states that agents may be associated with a device being monitored. Par. 102 of Kronenberg also states that checker software controls operation of the agent on the device. In connection with Applicant's Claims 125 and 126, Applicant respectfully submits that the foregoing neither discloses nor suggests a plurality of agents executing on the first computer system to monitor the first computer system, as recited in Claim 125, and the plurality of agents including a master agent and other agents where the master agent controls execution of the other agents, as recited in Claim 126. Rather, Kronenberg teaches controlling execution of the agents on the device using checker software executing on the RMS server rather than the device. Applicant respectfully submits that Par. 102 of Kronenberg teaches away from the features of Claim 125 and 126 by controlling the agent using checker software not on the same system.

The Office Action on pages 3-4 states that Kronenberg discloses features set forth in dependent Claims 129-131 and cites as support par. 109 and that it would have been obvious to implement any security rules on the monitored ports. Par. 109 discloses making a determination regarding a hypothesis and accordingly determining if an anomaly and/or problem exists. Applicant's Claims 130 and 131 recite particular determinations in accordance with a number of open listen connections. Applicant's Claim 130 recites *wherein, when a number of open listen connections falls below a first level, an event corresponding to a component failure is determined*, and Claim 131 recites *wherein, when a number of open listen connections is above a second level, an event corresponding to a new component or unauthorized component is determined*. Applicant respectfully submits that Kronenberg appears silent regarding any disclosure or suggestion of the specific determinations as recited in Claims 130 and 131 regarding the number of open listen connections. Furthermore, a general disclosure as set forth in Kronenberg does not render obvious all such determinations, including those as recited in Claims 130-131.

The Office Action on page 4 states that Kronenberg discloses the features recited in Claims 132-33 and cites as support par. 52. Par. 52 discloses an expert rule database used to determine potential courses of action once tickets are received. Applicant's Claim 132 recites *wherein said second agent reports on network activity in accordance with a set of rules, said rules including at least one rule indicating that events in a business network are flagged as suspicious in said industrial network*. Applicant respectfully submits that Claim 132 recites features regarding what an agent reports, rather than processing of the report once received from the agent, as in the foregoing disclosure of Kronenberg. The foregoing recited portion of Kronenberg operates on the tickets once received rather than in connection with creating or

generating a ticket. Accordingly, Kronenberg neither discloses nor suggests the feature set forth in Claims 132-133.

The Office Action at page 4 states that Kronenberg discloses the features of Claim 141 which recites *wherein said reporting is performed in accordance with a threshold size indicates an amount of data that said first agent is permitted to transmit in a fixed periodic reporting interval*. As support for disclosing the foregoing features of Claim 141, par 78 of Kronenberg is cited. Par. 78 of Kronenberg discloses processing that occurs when the deliverer software is transmitting a ticket to the CAS server and trying various delivery methods in the event failure is detected for certain ones. Confirmation is expected from the CAS server and if not received in a predetermined period of time, a failed delivery attempt is indicated and a different method is tried. Par. 78 of Kronenberg appears silent regarding any disclosure or suggestion of reporting in accordance with a threshold size or fixed reporting interval. Rather, the foregoing par. 78 discloses processing when no confirmation of a ticket transmission is received. Applicant respectfully submits that Kronenberg neither discloses nor suggests the features of Claim 141, or any rule regarding reporting.

For reasons similar to those set forth regarding Claim 121, Applicant's amended Claim 142 is also neither disclosed nor suggested by Kronenberg in that Kronenberg neither discloses nor suggests *a computer program product for monitoring an industrial network comprising code that: reports first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection*, as set forth in Claim 142.

In view of the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

The rejection of Claims 128, 134-40, 149, and 155-161 under 35 U.S.C. 103(a) as being unpatentable over Kronenberg and further in view of Schlossberg (U.S. Patent Publication No. 2002/00660034, hereinafter "Schlossberg") is hereby traversed and reconsideration thereof is respectfully requested. Applicant respectfully submits that Claims 128, 134-40, 149, and 155-161 are patentable over the cited references.

Claims 128 and 134-140 depend from Claim 121, and Claims 149, 155-161 depend from Claim 142. For reasons set forth above, independent Claims 121 and 142, and all claims that depend therefrom, are neither disclosed nor suggested by Kronenberg. For reasons set forth below, Applicant respectfully submits that combining Kronenberg with Schlossberg also neither discloses nor suggests Claims 121 and 142, and claims that depend therefrom.

The Office Action on page 4 cites Schlossberg as support for disclosing a network security system for detecting and handling network attacks.

Applicant's Claim 121, as amended herein, is neither disclosed nor suggested by the references, taken separately or in combination, in that the references neither disclose nor suggest *a method for monitoring an industrial network comprising: reporting first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one*

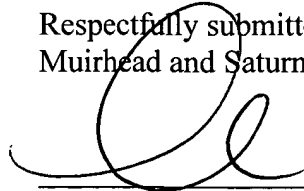
way communication connection, as set forth in Claim 121. For at least the reasons set forth above, Kronenberg neither discloses nor suggests at least the foregoing recited features of Claim 121. Schlossberg appears silent regarding any disclosure or suggestion of the foregoing features of Claim 121. Thus, combining Kronenberg with Schlossberg does not overcome the deficiencies of Kronenberg with respect to Claim 121. Accordingly, the references neither disclose nor suggest Claim 121.

For reasons similar to those set forth regarding Claim 121, Applicant's Claim 142 is also neither disclosed nor suggested by the references, taken separately or in combination, in that the references neither disclose nor suggest *a computer program product for monitoring an industrial network comprising code that: reports first data about a first computer system by a first agent ... said first data including information about software used in connection with said physical process, wherein said agent sends said first data over a one way communication connection*, as set forth in Claim 142.

Applicant respectfully submits that newly added Claims 175 and 176 are also patentable over the cited art.

Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8604.

Respectfully submitted,
Muirhead and Saturnelli, LLC

A handwritten signature in dark ink, appearing to be 'Anne E. Saturnelli', written over a horizontal line.

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